IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 31106 of 2006(C)

PETITIONER:

MARIYUMMA, HOUSE NO.9/309,
CHETTIVILAKAM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:

THE MANAGER,
STATE BANK OF INDIA,
REG.OFFICE AT ERNAKULAM & BRANCHES AT
STATUE, TRIVANDRUM.

BY STANDING COUNSEL SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.31106 OF 2006

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Dated this the 8th day of December 2006

JUDGMENT

Heard counsel for petitioner and Standing Counsel for respondent Bank.

2. It is revealed that petitioner's husband who was a partner of a firm has filed several writ petitions in this court pertaining to the same matter and the last writ petition ended up in dismissal with cost of Rs.10,000/- which is confirmed by Division Bench. Even though petitioner submits that earlier writ petition filed by her husband will not bar maintainability of present writ petition, I am unable to accept the contention because petitioner's husband was also a partner and he filed writ petitions on behalf of the debtor firm and the present case filed by petitioner is also in respect of same matter. Therefore, res judicata bars this writ petition. Accordingly, it is dismissed. However, I am sure Bank will take a realistic view and try to settle the matter provided petitioner makes a substantial payment and offers payment of balance within a reasonable time for the Bank to grant concessions.

Writ petition is dismissed with the above observation.

C.N.RAMACHANDRAN NAIR, JUDGE

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